

FOIA 6847

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## SPEER LAW FIRM

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May 22, 2014

U.S. EPA, Region 7  
Attn: Michael Pomes, State Officer  
Air and Waste Management Division  
11201 Renner Blvd.  
Mail Code: AWMDSTOP  
Lenexa, KS 66219

STOP RECEIVED

MAY 27 2014

Re: Freedom of Information Act Request

Dear Michael Pomes:

Under the Freedom of Information Act, I am requesting copies of records pertaining to the Confined Swine Operations in Poweshiek County, Iowa that are owned and/or operated by the following:

Prestage Farms of Iowa, L.L.C. — Yes

Please provide copies of all records including, but not limited to:

- |   |  |
|---|--|
| • All permit applications   | • All permits  |
| • All correspondence  | • All notices of violations  |
| • All photographs   | • All inspection reports   |
| • All air, water and soil testing results                                       | • All complaints   |
| • Any other documents in your care, custody and control relating to this matter | • All records related to the constituents and amounts of material spread |
| • All land application records  | • All enforcement documents  |

Also, please enclose an affidavit attesting to the authenticity of the documents.

WEF - No  
Waiver - Yes  
Review - No

7-18-01

A1051

Thank you for your prompt attention to this matter. Please provide us with an invoice for copies regarding the results of your search. At that time we can discuss the most convenient method for exchanging these records.

Sincerely,



Thomas H. Osborn  
Paralegal

STOP RECEIVED

ELI 11/18/01

## EPA Region 7 - Iowa AFO/CAFO Inspection Review Checklist

Reviewer: Pollard Review Date: 12/10/2013 IDNR Field Office: 5  
 Facility Name: Prestage Farms (PI-239) IDNR Program ID: 65498  
 Inspection Type: Confinement Inspection Date: 10/31/2013 IDNR Inspector: Theobald

1. Does the report include an adequate facility description? Yes
2. Does the report properly classify the operation (AFO, CAFO, Large, Medium, etc.)? Yes
3. Does the report identify/evaluate the nearest "watercourse" or flowpath? Yes
4. Does the report identify/evaluate the nearest water of the U.S.? Yes
5. Did the inspector document a release of manure, litter or process wastewater? No
6. Did the inspector document manure, litter or process wastewater leaving the production area? No
7. Did the inspector document evidence of discharges to nearest watercourse? No
8. Did the inspector document evidence of discharges to nearest water of the U.S.? No
9. Did the inspector review land application practices and records? Yes
11. Were photographs included with the inspection report? Yes
12. Was an aerial photograph included? UTD
13. Was an AFO Regulatory Status form included with the report? Yes
14. What was IDNR's AFO/CAFO Status determination? Medium AFO - No NPDES Permit Required
15. Was the regulatory status properly identified? Yes
16. Would EPA allege discharges at this facility? No
17. What is EPA's AFO/CAFO status determination? Medium AFO - No NPDES Permit Required
18. Did IDNR use the proper inspection type? Yes
19. Does the facility have uncovered/uncontrolled composting areas? No
20. Did the inspector document any discharges that occurred in the past?
21. Did the inspector document actions taken to prevent future discharges?
22. Review Category: No Issue

Notes/Additional Comments:







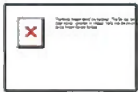
## Pollard, Stephen

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**From:** Theobald, Jeff [DNR] <Jeff.Theobald@dnr.iowa.gov>  
**Sent:** Friday, November 15, 2013 6:34 AM  
**To:** Theobald, Jeff [DNR]; Hessenius, Kenneth [DNR]; Tinker, Gene [DNR]; Tinker, Gene [DNR]; Pollard, Stephen  
**Subject:** PI-235 NPDES Determination/inspection  
**Attachments:** PI-239 65498 10-31-2013.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
  
**Categories:** IA Inspections/Assessments

Any questions let me know.

### JEFF THEOBALD Environmental Specialist



Iowa Department of Natural Resources  
P 515.725.0373 | F 515.725.0218 | [jeff.theobald@dnr.iowa.gov](mailto:jeff.theobald@dnr.iowa.gov)  
401 SW 7th Street, Suite I | Des Moines, IA 50309-4611

[WWW.IOWADNR.GOV](http://WWW.IOWADNR.GOV)



*Leading Iowans in Caring for Our Natural Resources.*

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*



# STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
CHUCK GIPP, DIRECTOR

November 14, 2013

Ben Crawford  
Prestage Farms of Iowa, LLC  
1421 South Bell Avenue  
Suite 107  
Ames, Iowa 50010

SUBJECT: Confinement Compliance Inspection for PI-239, Poweshiek County, Facility #65498

Dear Mr. Crawford:

Attached is a copy of the report resulting from the confinement facility compliance inspection on October 31, 2013.

Your attention is directed to the requirement portion of the report.

You may contact Jeff Theobald (515-725-0373; [jeff.theobald@dnr.iowa.gov](mailto:jeff.theobald@dnr.iowa.gov)) or this office with any questions or comments. Thank you for the assistance provided during this inspection.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Petersen", with a small "for" written below it.

Ted Petersen  
Supervisor, Field Office #5

- c: -Stephen Pollard, EPA Region 7, WWPDMWENF, 11201 Renner Blvd., Lenexa, KS 66219 (via email - [Pollard.Stephen@epa.gov](mailto:Pollard.Stephen@epa.gov))  
-Gene Tinker, AFO, WQB, ESD, DNR, (via E-mail)  
-Ken Hessenius, FO#3, AFO Enforcement Coordinator, Spencer, IA (via E-mail)
- enc: -Confinement Feedlot Inspection Report  
-Animal Feeding Operation (AFO) Regulatory Status Form

**IOWA DEPARTMENT OF NATURAL RESOURCES  
CONFINEMENT INSPECTION REPORT**

**FACILITY DESCRIPTION**

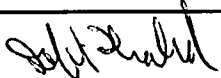
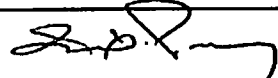
<b>FACILITY LOCATION</b>	Facility: PI-239		Facility ID#: 65498	
	Address: 123 515th Ave.	City: Lynville	State: IA	Zip: 50153
	PLSS: Section 19, Sugar Township (T78N, R16W), Poweshiek County			
<b>OWNER</b>	Name: Prestage Farms of Iowa, LLC			
	Address: 1421 South Bell Ave., Suite 107	City: Ames	State: IA	Zip: 50010
	WORK: 515-817-2422	HOME:	CELL: 515-460-0919	
	Email: bcrawford@prestagefarms.com			
<b>ANIMAL INFORMATION</b>	Animal Type(s)	Capacity	Current Head	Number of Buildings
	Swine	2,490	0	1
	Date of Construction: November 2007		Date of Expansion: N/A	

**INSPECTION INFORMATION**

<b>INSPECTION DATE</b>	This Inspection 10/31/13	Last Inspection: N/A
<b>PERSONS INTERVIEWED</b>	Name: Ben Crawford - Pestage Farms	Title: Director of Environmental Services
	Name: Kory Polk - Pestage Farms	Title:
<b>NEAREST WATERCOURSE</b>	Stream Name: North Skunk River	
	Description of Flow Path: ~3,480 feet to the northeast is the North Skunk River, with slope being 5% to 9% with some parts being greater than 9%.	

**COMPLIANCE SUMMARY**

<b>OBSERVATIONS</b>	Nutrient Management: <input type="checkbox"/> CNMP <input type="checkbox"/> NMP <input checked="" type="checkbox"/> MMP <input type="checkbox"/> Other <input type="checkbox"/> No formal plan		
	Manure Stockpiling:  <input type="checkbox"/> In controlled area <input type="checkbox"/> In compliance with rules <input checked="" type="checkbox"/> Not applicable – direct haul <input type="checkbox"/> Stockpiling in an uncontrolled area	Mortality Management:  <input checked="" type="checkbox"/> Rendering <input type="checkbox"/> Composting <input type="checkbox"/> Incineration <input type="checkbox"/> On-site burial <input type="checkbox"/> Landfill	Runoff from Feed Storage:  <input checked="" type="checkbox"/> No outdoor feed storage area <input type="checkbox"/> Discharge from feedstock storage area is controlled <input type="checkbox"/> Feed storage is located in an uncontrolled area
	Clean Water Diverted:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Discharge to a Water of the U.S. via Manmade Conveyance:  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Direct Animal Contact with Waters of the U.S.:  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Adjacent Facilities (by same owner/operator): <input type="checkbox"/> Confinement <input type="checkbox"/> Open Lot <input type="checkbox"/> None		
	Evidence of Discharges: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>NPDES PERMIT STATUS</b>	The facility, as observed during the inspection, was a Medium AFO and did not need an NPDES permit. NPDES permit is required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>COMPLIANCE STATUS</b>	This facility appeared to be in compliance with Iowa's environmental regulations at the time of the inspection. Actual conditions may vary over time with the operation and maintenance of the facility. Facility is in compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

<b>AUTHENTICATION</b>		Date:		11-14-13
	Inspector: Jeff Theobald	11/12/13	Reviewer: Dave Perry	Date:

**IOWA DEPARTMENT OF NATURAL RESOURCES  
CONFINEMENT INSPECTION REPORT**

**FACILITY EVALUATION**

**FACILITY**

The facility consists of 1 barn that has an 8 foot deep pit. At the time of the inspection the building had no pigs in it. They had just cleaned out the site and would be getting a new batch of pigs in the next week.

☒ Condition of Concrete – No issues noted.

☐ Condition Pit Fan Housing – No Issues noted – it was indicated that they regularly clean the pit and end fans at least once a year.

**MANURE HANDLING**

Stockpiling practices N/A

Acres available for application 386 acres

Winter manure application Usually fall application

Type(s) of Manure Storage:

☒ Under-Building Pits

☐ Concrete Outside

☐ Above Ground Outside

☐ Earthen Manure Storage Structure

☐ Stockpile Outside

☐ Stockpile Inside

**MISCELLANEOUS**

- A deep well is located over 100 feet to the south of the southeast corner of the building. The facility uses water from this well as its only source of water.

-The building's footing drain tile outlets to the NE of the NE corner of the building, which no moisture was observed during this inspection. The tile (picture) would out let in a small hole/depression, then less than a foot away is a clay tile and any moisture would flow directly into it (no outlet for the clay tile was noted). Since this outlet is not truly day lighting on-site Prestage Farm needs to install a shut-off valve on the tile and establish a permanent observation structure around this hole/depression, this way it doesn't get covered up.

-The incinerator is no longer used and rendering is, but there is a lot of ashes left in your control area (3 walled cement area -picture) that needs to be properly disposed of. Once this is done then the dead box can be placed inside for extra protection and control of your disposal of deads.

A Manure Management Plan (MMP) inspection was conducted and a copy of the report was left with you onsite.

After the inspection it was discovered that your current applicator (Curtis VanKooten) has let his commercial license expire. He needs to renew his commercial applicators license before he applies for Prestage or obtain an applicator that is commercially licensed.

A spill occurred at this site on October 10, 2010 (100610-AHB-1610), while hauling manure to a field, a valve came open spilling around 49 gallons of manure on the ground. Manure was cleaned up w/a skid loader. The applicator that was in charge no longer applies for Prestage. It was indicated that the current applicator has procedures in place in a case a spill does happen, such as covering tile inlets while applying and having access to several pieces of heavy equipment.

**DOCUMENTATION COLLECTED**

☒ Photographs

☐ Samples for Lab

☐ GPS Points

☐ Field Test Results

**REQUIREMENTS**

- Install a shut-off valve on the building's footing drain tile and establish a permanent observation structure around this hole/depression, this way it doesn't get covered up.
- Properly dispose of all the solid waste of ash that has accumulated at the site.
- A sure that your applicator is commercially licenses.





Perimeter tile out letting to a clay tile.

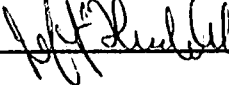


Ashes from incinerator should be properly disposed of so the dead box can be placed inside this area for extra control/protection.

# Animal Feeding Operation (AFO) Regulatory Status

- ☐ Large CAFO – Discharging – NPDES Permit Required
- ☐ Large CAFO – Non-discharging
- ☐ Large CAFO – NPDES Permit
- ☐ Medium CAFO – NPDES Permit Required
- ☒ Medium AFO
- ☐ Designated CAFO – NPDES Permit Required
- ☐ Small AFO

This determination was made based on conditions and observation made on October 31, 2013 at PI-235, facility #65498.

Inspector:  Date: 11/10/13

## Regulatory Definitions of Large CAFOs, Medium CAFOs, and Small CAFOs

A Large CAFO confines at least the number of animals described in the table below.

A Medium CAFO falls within the size range in the table below and either:

- has a manmade ditch or pipe that carries manure or wastewater to surface water; or
- the animals come into contact with surface water that passes through the area where they're confined.

If an operation is found to be a significant contributor of pollutants, the permitting authority may designate a medium-sized facility as a CAFO.

A Small CAFO confines fewer than the number of animals listed in the table and has been designated as a CAFO by permitting authority as a significant contributor of pollutants.

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs <sup>1</sup>	Small CAFOs <sup>2</sup>
cattle or cow/calf pairs	1,000 or more	300 – 999	less than 300
mature dairy cattle	700 or more	200 – 699	less than 200
veal calves	1,000 or more	300 – 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 – 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 – 9,999	less than 3,000
horses	500 or more	150 – 499	less than 150
sheep or lambs	10,000 or more	3,000 – 9,999	less than 3,000
turkeys	55,000 or more	16,500 – 54,999	less than 16,500
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 – 124,999	less than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 – 81,999	less than 25,000

<sup>1</sup>Must also meet one of two "methods of discharge" criteria to be defined as a CAFO or may be designated.

<sup>2</sup>Never a CAFO by regulatory definition, but may be designated as a CAFO on a case-by-case basis.